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Supervision as a risk for transparency?

An explorative study of the Dutch system of youth care

1. Introduction

On 1st of January 2015 the New Dutch Act on Youth Care entered into force. One of the main problems of the system based on the previous Act on Youth Care was that it was highly fragmented and therefore not transparent. Main purpose of the introduction of the New Dutch Act on Youth Care was to provide for a system that was less complicated and therefore more efficient and effective.¹ In order to achieve this goal, most powers were shifted to the municipalities. Interestingly enough, the explanatory memorandum states that the State is still responsible for the system, meaning that the State has to provide the necessary means to make sure the system is able to function.²

By making the State responsible for the system, and posing obligations onto the municipalities, it seems the legislator wants to keep tabs on the municipalities. But the State has other options as well. The Minister of Social Affairs and Employment or the Minister of Security and Justice, depending on who is responsible, can also intervene based upon provisions in the Local Government Act (in Dutch: Gemeentewet) if a municipality is not acting according to the law. But not only the municipalities are supervised; the actors in the field of Youth Care are also supervised. There are three different national inspectorates are supervising these actors: the Inspectorate of Public Order and Safety, the Inspectorate of Health Care and the Inspectorate for Youth Care. All three inspectorates have different responsibilities. For instance, the Inspectorate of Public Order and Safety is responsible for supervision of the implementation of decisions issued by criminal court whereas the Inspectorate of Health Care is responsible for the supervision of actors in the field of Health Care, including Youth Care.

Do these measures hinder solving the problems of fragmentation, and therefore make it impossible to target issues of transparency? How does the system function? Which arrangements have

¹ Parliamentary Papers 2012-2013, 33 684, No. 3, p. 2.

² Parliamentary Papers 2012-2013, 33 684, No. 3, p. 5.

been made in practice for supervision and accountability? The central question we aim to answer in this paper is: Does the new system of Youth Care provides for transparency? We combine judicial and social research methods. This allows us to analyse the system as intended and compare this with the actual working of the system.

We start in section 2 with a review of literature in the field of public administration where we relate transparency to accountability. The assumption based on theory is that when responsibilities are clearly defined, this enables responsible actors to be held accountable. Which, in turn, will increase transparency, since it is then clear who can be held accountable for what and by whom. Therefore the new introduced system of Youth Care can be considered transparent if it is clear who can be held accountable for what and by whom. We expect that the information on accountability follows clearly from the Act on Youth Care itself. If the Act on Youth Care however does not provide clarity on responsibilities of the actors, the goal of a transparent system could still be reached if the information on accountabilities is clear in practice.

In section 3 we explain the legal system, as laid down in the Act on Youth Care. The legal analysis shows that the Act states that both the State and the local authorities are responsible for youth care. This suggests blurred responsibilities, which could lead to confusion about accountability for the working of the system. However, responsibilities can also be clearly marked by work instructions on how to deal with the apparent diffuse responsibility.

In section 4 we explore whether there is a clear distinction in responsibilities in the provision of Youth Care. In order to provide an answer to this, we have complemented our finding from desk and literature research, with interviews with civil servants within the Ministry of Security and Justice (S&J), the Ministry of Health, Welfare and Sport (HWS), and three local authorities. Through the interviews, we can explore whether the responsibilities are clear in practice. This paper concludes in section 5 with some final remarks.

2. Transparency through accountability

The new Act on Youth Care was introduced to create a more transparent system, in which responsibilities are clearly defined. When responsibilities are clearly defined, this enables responsible actors to be held accountable. There seems to be an increasing concern for accountability, both in public administration literature and policy documents. As Bovens argues: “Accountability is one of those golden concepts that no one can be against. It is increasingly used in political discourse and policy documents because it conveys an image of transparency and trustworthiness.”³ However, is this image truthfully? In this paragraph, accountability and the relation between accountability and transparency will be discussed.

³ Bovens, M. , 2007, ‘Analysing and Assessing Accountability: A conceptual framework, European Law Journal, 13 (4), p. 448.

In order to find out if accountability can lead to transparency, we will need to study various aspects: who is held accountable, what are their accountabilities (what are they accountable for) and to whom are they accountable?

There are various definitions of accountability, therefore it is necessary to first describe what we will be looking at. According to Bovens, '(a)ccountability is a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences.'⁴ Administrative accountability assumes civil servants are accountable towards the elected politicians. This can take place on one territorial level, but also between governmental levels, whereby for example the state can monitor processes and outcomes of lower governments. Since accountability implies that the subordinate will account for something that has taken place, it mostly takes place during policy implementation and evaluation. However, through accountability norms can be adjusted for future use, giving it also a prescriptive function.

Bovens tries to discover why accountability receives so much attention. He unravels three reasons: it provides democratic means to monitor and control government conduct, it prevents the development of concentrations of power, and it enhances the learning capacity and effectiveness of public administration.⁵ The first reason is connected to public accountability: 'Each principal in the chain of delegation seeks to monitor the execution of the delegated public tasks by calling the agent to account. At the end of the accountability chain are the citizens, who pass judgement on the conduct of the government and who indicate their displeasure by voting for other popular representatives.'⁶ This would mean that administrative accountability is a part of the more general (public) accountability chain.

It is understandable that transparency and accountability are sometimes used as synonyms. Even though the terms are not synonymous, they are related. Bovens argues that transparency could be seen as a prerequisite for accountability.⁷ However, looking at the above reasoning, we can pose that administrative accountability is also meant to enhance transparency: 'it provides the people's representation and the voters with the information needed for judging the propriety and effectiveness of the conduct of the government'.⁸ What we then expect is that 'an accountability arrangement or regime enables democratically legitimised bodies to monitor and evaluate executive behaviour and to induce executive actors to modify that behaviour in accordance with their preferences'.⁹

⁴ Bovens, M. , 2007, p. 450.

⁵ Bovens, M. , 2007, p. 462.

⁶ Bovens, M. , 2007, p. 463.

⁷ Bovens, M. , 2007, p. 453.

⁸ Bovens, M. , 2007, p. 463.

⁹ Bovens, M. , 2007, p. 465.

These arrangements are not always in place. In most developed countries accountability problems have emerged, as a result of shifting powers. As Schillemans and Busuioc describe, often responsibilities have shifted away from the state, toward third parties, such as networks and private organisations. In those cases, the state is limited to control those organisations and networks, ‘creating gaps in systems of accountability’.¹⁰ These shifts thus result in an accountability deficit. On the other hand shifting of powers can also result in an accountability excess.¹¹ Accountability excess mostly appears in situations whereby an organisation is accountable to various organisations. However, accountability excess also appears in cases in which more than one organisation is held accountable for the same or a similar policy.

The Netherlands School of Public Administration published a discussion on this overlapping responsibility. The paper describes various ways accountability excess can be tackled. On the one hand, boundaries can be defined more clearly, ensuring that the overlap becomes nonexistent. This could be done up front by the legislator, or during the implementation, through court decisions. On the other hand, if the boundaries stay vague, the actors involved will find solutions for the problems they encounter.¹² This could be so when a clear distinction is made between the role of the accountable, and the one that is accounted.

In summary, accountability can increase transparency, when it is clear who can be held accountable for what and by whom. Therefore, in order to understand whether the newly introduced system of Youth Care in the Netherlands is transparent, it is important to know how the system works. In the next paragraphs we assess whether or not the new introduced system of youth care is transparent by analysing the legal framework and the working of this framework in practice.

3. Legal framework

Supervision is an important element in the new Act on Youth Care. A closer look at this new Act reveals that there are two types of supervision present. The first one focuses on the achievements of the municipalities and is done by the State. The second one focuses on the actors in the field of the youth care, such as health visitors, and is done by three different national inspectorates. In a certain way this type of supervision is also done by the State since these inspectorates need to act according to instructions of the responsible Minister. In this paragraph, the legal framework of supervision in the new Act on Youth Care is discussed.

3.1 State supervision

Municipalities are responsible for almost all the youth care ranging from managing health visitors to make sure enough places are available for children in specialised care facilities. The State, and more specific the Minister of Social Affairs and Employment or the Minister of Security and Jus-

¹⁰ Schillemans, T., M. Busuioc, 2014, ‘Predicting public sector accountability: from agency drift to forum drift’, *Journal of public administration research and theory*, 25 (1), pp. 192.

¹¹ NSOB, 2016, *De som en de delen*. In gesprek over systeemverantwoordelijkheid.

¹² NSOB, 2016.

tice supervise the municipalities. In situations when a serious shortcoming is ascertained the competent Minister can intervene based on the provisions on supervision in the Local Government Act (in Dutch: Gemeentewet).¹³ According to the Local Government Act, the Minister can use the instrument of full representation (in Dutch: indeplaatsstelling), meaning that the Minister can replace decisions of the municipality executive with his own decisions. This means for instance that the Minister can draft a policy plan or make sure enough places are available in certified institutions. The municipality has to pay for costs made by the Minister. This instrument should only be used as a last resort and when other, informal, options are not effective.

Although this supervision is based on general rules laid down in the Local Government Act, use is made of an exception laid down in article 124b of this Act. According to the general rule, laid down in article 124 of the Local Government Act, supervision of local authorities is done by the authority that is, from a hierarchical point of view, the most nearby (in Dutch: nabijheidsbeginsel), which in this case would be the provincial executive. Instead, the Minister of Security and Justice or the Minister of Social Affairs and Employment is appointed.¹⁴ In the explanatory memorandum it is stated by the legislator that use is made of this exception due to the fact the provincial executive is not suitable to supervise the mayor and municipal executive since the province, due to the shift in responsibilities, no longer has expertise in the field of Youth Care.¹⁵

3.2 Supervision and enforcement by Inspectorates

Actors in the field of Youth Care, such as the health visitor or certified institutions of Youth Care, are supervised as well. This is done by three national inspectorates: the Inspectorate of Public Order and Safety, the Inspectorate of Health Care and the Inspectorate for Youth Care. All three inspectorates have different responsibilities. According to article 9.1 (1) of the Act on Youth Care, the Inspectorate of Youth Care is responsible for supervising the general quality of the given care by different actors, such as certified institutions, the Child Care and Protection Board and local 'Safe at Home' branches and compliance with the new Act on Youth Care. The Inspectorate of Public Order and Safety supervises decisions on criminal matters, for instance the implementation of decisions issued by criminal court, such as the placement of children into care.¹⁶ The inspectorate of Health Care is responsible for supervising compliance with the new Act on Youth Care of the Public Health Services, Health Visitors and youth care for mentally handicapped children.¹⁷

One of the questions that needs answering is what the relation between these inspectorates exactly is. In the Act on Youth Care the inspectorates of Youth Care and Public Order and Safety are

¹³ Article 24 Local Government Act

¹⁴ Annex I Local Government Act

¹⁵ Parliamentary Papers 2012-2013, 33 684, No. 3, p. 26.

¹⁶ Article 9.1 (2) Act on Youth Care

¹⁷ This supervision is not based upon provisions in the Act on Youth Care but on three other Dutch Acts: de Wet Bijzondere opnemingen in psychiatrische ziekenhuizen, de Kwaliteitswet zorginstellingen en de Wet op Beroepen in de Individuele Gezondheidszorg. See also Parliamentary Papers 2012-2013, 33 684, No. 3, p. 60, Parliamentary Papers 2013-2014, 33 684, No. 10, p. 111.

explicitly mentioned in article 9.1 as well as their responsibilities, but the inspectorate of Health Care is not mentioned in this article but in other Acts. In the parliamentary papers, including the explanatory memorandum it is stated that this inspectorate is responsible, together with the inspectorate of Youth Care, for supervising compliance with the Act.¹⁸ What this exactly entails, is not made clear. It is stated in the parliamentary papers is that these inspectorates do coordinate their actions. In practice, they have set up an inspection centre for Youth (in Dutch: Inspectieloket Jeugd voor Gemeenten) that municipalities can consult if they have any questions regarding the supervision of actors in the field of Youth Care. This centre is also used by the inspections to communicate with the municipalities.¹⁹ Besides this front office, these three inspectorates together with the Inspectorate of Education and the Inspectorate of Social Affairs and Employment have formed an association (in Dutch: Samenwerkend Toezicht Jeugd/Sociaal Domein). It is not clear what the exact status of this association exactly is. Would this type of cooperation fail at a certain point, the Act on Youth Care provides for the option that additional rules on coordination are laid down in a Ministerial Act.²⁰ As for so far, no rules are laid down.

The inspectorates do not only supervise actors but are also responsible for the enforcement of measures if no progress is made or if the quality of Youth Care or the safety of a child is at stake. There are different instruments of enforcement available for the inspectorates: administrative measures, such as an administrative fine, criminal measures and disciplinary measures.²¹ All measures are imposed by the Minister.

The inspectorates should act according to instructions of the Minister (article 9.1 (4)). But they also have to cater for the wishes of the municipalities (article 9.1. (5)). Municipalities can make their wishes clear before the yearly working programme is set up but can also ask for ad hoc supervision.²²

3.3 System responsibility

The State is also, according to the explanatory memorandum, responsible for the system of Youth Care. What this responsibility exactly entails, does not become quite clear. No reference is made in the Act to this type of responsibility as such and the explanation provided by the parliamentary papers is not clear at all. For instance, in the explanatory memorandum no other explanation is provided than that the State needs to make sure all the necessary preconditions are in place and that they stimulate innovation.²³ In answers provided by the Minister to questions of political parties during the legislative process, the Minister stated that this system responsibility entails that the State can be held responsible for social outcome of the Act on Youth Care. The State is responsible for a transparent judicial and financial framework and creating all the necessary preconditions. According to the Minister the State should engage in at least the following activities:

¹⁸ Parliamentary Papers, 2012-2013, 33 684, No. 3, p. 60-61, Parliamentary Papers, 2013-2014, No. 10, p. 111.

¹⁹ See <https://www.jeuginspecties.nl/wiezijnwij/?id=58>

²⁰ Parliamentary Papers 2012-2013, 33 684, No. 3, pp. 60-61.

²¹ Parliamentary Papers 2012-2013, 33 684, No. 3, pp. 60-61, Article 9.4, 9.5 and 9.6 Act on Youth Care.

²² Parliamentary Papers 2012-2014, 33 684, No. 3, p. 61.

²³ Parliamentary Papers 2012-2013, 33 684, No. 3, pp. 5-6.

meetings with the Dutch Association of Municipalities (in Dutch: Vereniging voor Nederlandse Gemeenten) and other relevant parties in the field of youth care, stimulation of innovation and quality, supervision by the Inspectorates, the use of monitoring instruments, the evaluation of the Act on Youth Care every five years, and monitoring and adjustments, if needed, of the judicial and financial framework.²⁴ Interestingly enough, some activities, such as adjustment of the judicial and financial framework, are based on legislative powers of the legislator. The same can be said for the evaluation of the Act every five years, which simply can be found in article 12.2 of this Act (and in fact is every three years) and the possibility of supervision by Inspectorates, which can be found in chapter 9 of this Act.

This leaves the question open why the legislator explicitly makes the State responsible for the system when it does not become clear what this exactly entails. In literature it is stated that this concept of system responsibility seems to be used by the State in situations where responsibilities are decentralised to municipalities or provinces but the State still wants to keep tabs on municipalities and provinces although from a legal perspective they only have their legislative powers and the possibility of supervision.²⁵

4. The framework in practice

The juridical analysis shows the Act and the explanatory memorandum are unclear on various aspects of the role of the accountable, and the one that is accounted. We have encountered the emergence of a possible accountability excess. There seems to be accountability excess whereby more than one organisation is held accountable for the same or a similar policy. The accountability excess can be tackled if the actors involved find solutions for the problems they encounter. In order to analyse the working of the system in practice we conducted an explorative field study (interviews). The results are discussed in this paragraph.

4.1 System responsibility

To start, let us look at a definition of system responsibility of the ministry of Internal Affairs, the ministry that has an overall system responsibility. According to this ministry, system responsibility means that the minister is responsible for the functioning of the system as such, while others are responsible for the results of the system. In order to ensure the responsibility for the system, the minister checks through supervision whether the various actors comply with the prerequisites (1), the state provides juridical norms (2), the ministry supports the implementation of actors (3) and when the administrative system becomes weak, the minister intervenes (4).²⁶ In other words, the state does not only monitor the working of the system and the results, it also shapes policy by trying to ensure the right parameters are put in place. In the following paragraph, the various responsibilities are explored in more detail.

²⁴ Parliamentary Papers 2013-2014, 33 684, No. 10, p. 9

²⁵ S.A.J. Munneke, 'Maatwerk, gelijkheid, zeggenschap,' in: G.J. Vonk (red.), *Rechtstatelijke aspecten van de decentralisaties in het sociale domein*, Groningen: Rijksuniversiteit Groningen, Vakgroep Bestuursrecht en Bestuurskunde 2016, p. 93-96.

²⁶ NSOB, 2016, p 14

4.2 Guiding policy formation

The local authorities are responsible for the formulation of their local youth care. The State has tried to facilitate the local authorities in this task. During the transition from provinces to municipalities, the Transition agency Youth provided information, to facilitate municipalities with the upcoming decentralisation. Now that the transition has concluded, the Association of Netherlands municipalities has taken up the task to provide this type of information to the local authorities. Also the Netherlands Youth Institute, the Dutch national institute for compiling, verifying and disseminating knowledge on children and youth matters, provides information that can be used for policy formation. The Transition Authority Youth provides help with the agreements between municipalities and care providers, while the inspectorate for youth care decides on the quality standards it uses to check the care institutions. This influences the local authorities for two reasons. First, the quality standards of the inspectorate are automatically the minimum standards of the authorities. Second, since local authorities mostly rely on local care providers, the institutions can demand more funding, when local authorities rely on them, but they need more funding to be able to fulfil the standards.

4.2 Supervising the implementation

The local authorities or more specific the executives, are responsible for the execution of their youth care policy and the municipal councils have the responsibility to supervise the policy making and implementation of policy. The ministries monitor the progress, in order to determine whether municipalities have structural problems and the solutions can be found within the legal framework.

There are various ways to monitor whether the system functions correctly. First and foremost, there are various monitors, that are meant to be used by the municipalities to compare the quality of the youth care with other municipalities. However, for example the monitor executed by Statistics Netherlands, is also used to determine whether the ministry of HWS will want to take up certain issues.

Besides the monitors, there are other ways to stay informed about the functioning of the system. For instance, the work of the inspectorates can be used as a monitor. The Inspectorate for youth care checks whether care institutions fulfil necessary quality standards. Independent institutions, such as the Ombudsman for Children, can raise awareness of problems in the system. Media coverage can also raise questions, that can cause members of parliament or of local councils to ask questions about the care provided.

Based upon the monitoring, the ministry can decide to act. According to the ministry of HWS a more active approach of system responsibility is chosen for the first years, when the transition from provinces to municipalities and the transformation of the policy making process is in process. The aim is to switch to a more responsive form of supervision, when the changes have settled.

Both the ministry of S&J and the ministry of HWS advocate that their approach is an informal one. When an issue has arisen, they will contact a municipality informally, in order to gain more information. They will try to settle the matter in an informal way. Only when needed, they will intensify and formalise the approach, including a request for an official meeting between the ministry and the local executive.

Through this approach, several issues have been discussed at the ministries. Examples are dealings with administrative costs, waiting lists, the transition from 18 year olds to other care systems, specialised youth care and the transformation itself. When issues are brought to the table, the ministries need to decide whether it is a task of the ministry to solve the problem or not. We will give two examples of issues that have come up, to demonstrate in what way the ministries can deal with issues when they decide it is their responsibility.

Bankruptcy care facilities

Local authorities contract care providers to provide the necessary and desired care. The introduction of contracting is based on the assumption that competition will encourage care facilities to offer the highest quality of care, against the lowest possible price. It stimulates authorities to make clear choices in what kind of care provision they want and to choose the care provider with the best offer. This system seems to work well, when voluntary care is on offer. It is problematic for the organisation of specialised care. By definition, specialised services are only needed occasionally. Individual local authorities often cannot foresee the need for specific care. In this prisoners dilemma, individual municipalities will not contract specialised care providers, therefore preventing the continuation of care. This would mean that when a municipality needs the care, it would either not be on offer, or it would be extremely expensive. For certain types of care, this scale problem even arises when local authorities organise themselves in an intermunicipal partnership to facilitate the acquisition of care on a regional level. In this case, the ministries have ensured that the Association of Netherlands Municipalities employ staff to let municipalities organise specialised care in a supraregional manner. Also the Transition Authority Youth provides help with the agreements between municipalities and care providers. The authority also advises the ministries on possible support for care facilities facing high friction costs.

Privacy

Up until august 2015 no personal data about youth could be shared between the care providers and the local authorities. Since no information was shared, municipalities had no way to verify the legality of the invoices the care providers sent the authorities. In April 2015 Minister Van Rijn announced a temporary regulation on personal data on invoices.²⁷ According to Van Rijn, the temporary regulation enables the local authorities to handle and check the invoices, whilst safeguarding the privacy of the clients.

²⁷ Van Rijn, M.J. (2016, 28 april) Ministeriële regeling persoonsgegevens bekostiging, controle en fraudebestrijding Jeugdwet [Kamerbrief]
https://vng.nl/files/vng/20160428_ministeriele_regeling_persoonsgegevens_bekostiging_controle_en_fraudebestrijding_jeugdwet.pdf.

4.3 Separation of responsibilities

There seems to be a distinction between child care on one hand and child protection and rehabilitation on the other. Not only are these two policy areas split between two ministries (system responsibility for child care lies with the ministry of HWS and the system responsibility for child protection and rehabilitation lies with the ministry of S&J), also the consequences for failure within the area of child protection and rehabilitation are more severe, therefore making risk less acceptable. In practice it means that local authorities can make policy for voluntary care, including prevention, but they have little to say when compulsory treatment is regarded necessary. In those cases, social workers of the municipality identify a problematic situation and ask the Child Care and Protection Board to investigate the matter. Based on an advise of the board, the juvenile court decided on treatment, which is executed by a certified facility, and paid for by the municipality.

Another distinction can be made between generic and specialised care (whereby we include compulsory care in specialised care). Local authorities have more freedom to develop and execute generic care on their own, whilst they have an obligation to provide specialised care in inter-municipal partnerships. For highly specialised care, a greater number of municipalities are included in a partnership, than for when less specialised care. A higher number of municipalities, decreases the possibilities of the council to fulfil its monitoring and supervising tasks. In other words, partnerships enable the municipalities to provide the necessary care, but they also make it more difficult to monitor and supervise the execution of care. It becomes proportionately more difficult to monitor and supervise the execution of care, when the number of participating municipalities increases.

Figure 1 represents the working of the care system in practise, whereby the separation between generic and specialised care is shown, just like the distinction between voluntary (youth care) and compulsory (juvenile protection and rehabilitation) care.

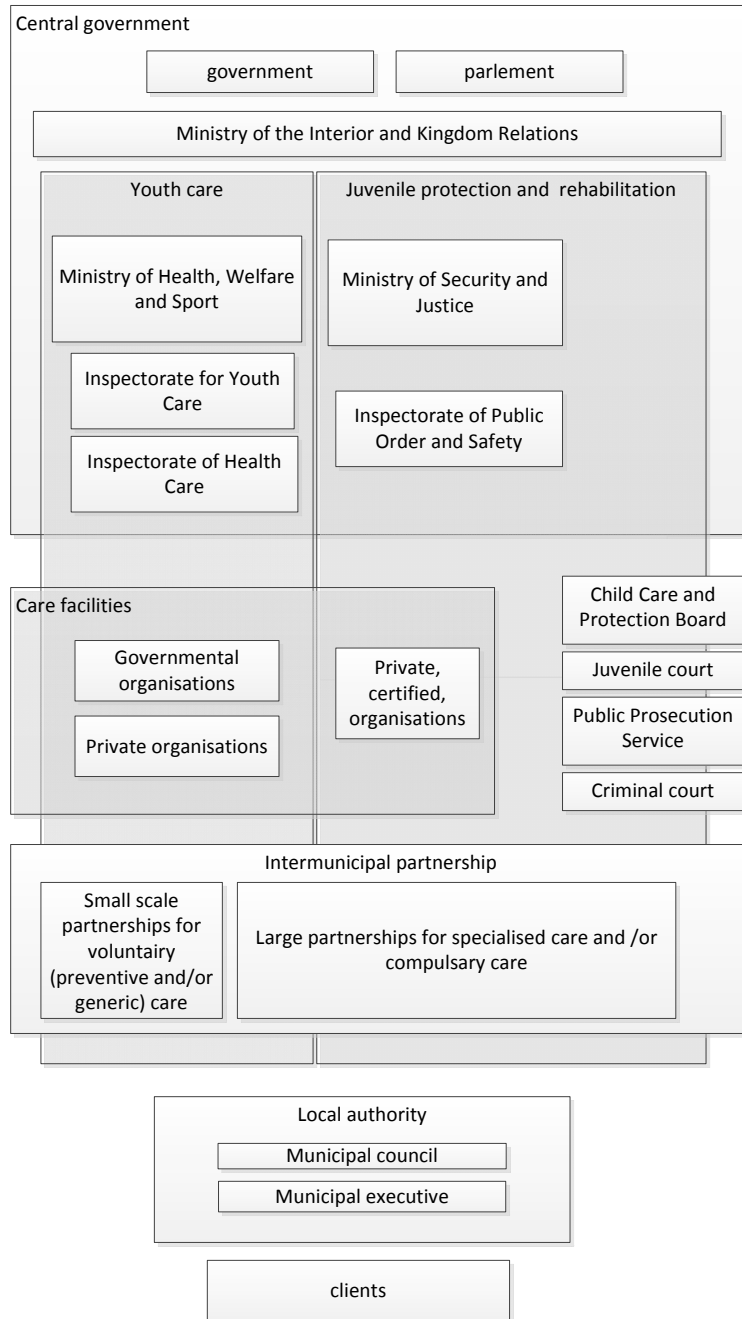


Figure 1. System and executive structure youth care Netherlands

5. Concluding remarks

The Act on Youth Care was introduced in order to increase the transparency of the system of youth care. In this paper we explored whether these ambitions were fulfilled. The theory shows transparency can be enhanced when responsibilities are clearly defined, since this enables to hold the responsible actors accountable. This can be done, either through clear legislation or through practical solutions by the actors confronted with the unclear responsibilities. In this paper, we have

concluded that at first sight, the Act does not define responsibilities in a clear way. For instance what entails the system responsibility of the State and what consequences does this have for the different actors, such as municipalities? And what is the exact relation between the Inspectorates? Do they have to work together when sharing responsibility for fields of youth care? However, the actors involved do not seem to have a problem in clearly distinguishing responsibilities.

Thus, the system definitely looks complicated: there are several types of system responsibility and several types of executive responsibility. However, in practise we see a clear separation between these various responsibilities. The main distinction to be made is that between the type of care provided. We could argue there is a kind of continuum, between voluntary preventive care on one side, and highly specialised or compulsory care on the other. When care is compulsory or more specialised, the local authority has little responsibility over policy creation and implementation. The central authority influences policy making in an early stage, through various inspectorates, directives and instructions. It also monitors the process and the outcome of the policies. However, when care is voluntary, the municipality is almost solely responsible for the creation and execution. The State does monitor the execution through various sources. Though, it will only respond when potential problems are thought to be structural failures that need to be tackled through legislation.

The responsibilities seem to be clear. Also, the State and the local authorities have various ways to monitor the processes and the outcomes. This means it is possible to notice whether something goes wrong. However, whether the right authorities can be held accountable depends on the assumption a clear distinction can be made between the execution of policy and the working of the system. When it is an incident, the local executive should be held accountable by its local council. When it is a structural problem, the State should account for its actions. Is it possible to determine whether a problem this is an incident or whether it is a failure of the structure?

Youth care is a sensitive topic. Therefore members of parliament and local councils could respond quickly on media coverage on incidents in youth care. This raises awareness of incidents, which in turn could indicate structural failures of the system. It depends on the reaction of the executives whether they account for issues they are responsible for or not. Even though this distinction is not made clear in the Act or any other documents, we have not found any indication that there are problems making this distinction. For one, we have found no indication of a risk regulation reflex, which you can expect when the State would respond to an incident. This suggests that responsibilities are clearly defined in practice, and the responsible one can be held accountable. This should therefore enable the transparency of the system. We would therefore predict that parliament will hold government accountable when structural problems appear and local councils will hold their executives accountable regarding the functioning of youth care within their municipality.

Regarding the latter, the functioning of this system is hindered because of the intermunicipal partnerships that are created to execute most of the specialised and compulsory care. Local coun-

cils seem to struggle to control these partnerships. The structure is clear and they have the tools, but somehow the created distance makes it hard to supervise the execution of the policy making. Also, as Schillemans and Busuioc argue, some principals ‘fall short in their monitoring roles’.²⁸

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²⁸ Schillemans, T., M. Busuioc, 2014, ‘Predicting public sector accountability: from agency drift to forum drift’, *Journal of public administration research and theory*, 25 (1), p. 192